

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

BERNHARDT TIEDE, II, §  
§  
*Plaintiffs*, §  
§  
v. § Civil Action No.  
§ 1:23-CV-1004-RP  
BRIAN COLLIER, et al. §  
§  
*Defendants.* §

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS TEXAS  
DEPARTMENT OF CRIMINAL JUSTICE AND BRYAN COLLIER'S MOTION TO  
DISMISS**

Exhibit 8

Excerpts from Deposition of TDCJ Health Services  
Division Director Lannette Linthicum, M.D.

Lannette Linthicum - 1/13/2016

IN THE UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT OF TEXAS  
 HOUSTON DIVISION

STEPHEN McCOLLUM and SANDRA	)	
McCOLLUM, individually, and	)	
STEPHANIE KINGREY,	)	
individually and independent	)	
administrator of the Estate	)	
of LARRY GENE McCOLLUM	)	
PLAINTIFFS	)	CIVIL ACTION NO.
	)	4:14-cv-3253
v.	)	JURY DEMAND
	)	
	)	
LANNETTE LINTHICUM, JEFF	)	
PRINGLE, RICHARD CLARK,	)	
KAREN TATE, SANDREA SANDERS,	)	
ROBERT FASON, the UNIVERSITY	)	
OF TEXAS MEDICAL BRANCH and	)	
the TEXAS DEPARTMENT OF	)	
CRIMINAL JUSTICE	)	
DEFENDANTS	)	
KEITH COLE, JACKIE BRANNUM,	)	
RICHARD KING, DEAN ANTHONY	)	
MOJICA, RAY WILSON, FRED	)	
WALLACE, and MARVIN RAY	)	
YATES, individually and on	)	
behalf of those similarly	)	
situated,	)	
Plaintiffs,	)	CIVIL ACTION NO.
	)	4:14-cv-1698
v.	)	
	)	
LANNETTE LINTHICUM, in his	)	
official capacity, ROBERTO	)	
HERRERA, in his official	)	
capacity, and TEXAS	)	
DEPARTMENT OF CRIMINAL	)	
JUSTICE,	)	
Defendants.	)	

WRIGHT WATSON &amp; ASSOCIATES

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Lannette Linthicum - 1/13/2016

\* \* \* \* \*

REPORTER'S CERTIFICATION  
DEPOSITION OF LANNETTE LINTHICUM  
January 13, 2016  
VOLUME 1

\* \* \* \* \*

ORAL AND VIDEOTAPED DEPOSITION OF LANNETTE LINTHICUM, produced as a witness at the instance of the Plaintiffs, and duly sworn, was taken in the above-styled and numbered cause on the 13th day of January, 2016, from 9:18 a.m. to 3:59 p.m., before Abigail Guerra, CSR, in and for the State of Texas, reported by machine shorthand, before Honorable Keith Ellison, at the United States District Courthouse, 515 Rusk, Houston, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

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## 1 A P P E A R A N C E S

## 2 FOR THE PLAINTIFF:

3 STEPHEN McCOLLUM and SANDRA McCOLLUM, individually, and  
4 STEPHANIE KINGREY, individually and independent administrator  
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9 - and -

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## 14 FOR THE DEFENDANT:

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21 Ms. Sharon Felfe Howell  
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## 1 A P P E A R A N C E S (cont'd)

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11 - and -

12 Mr. Graig J. Alvarez  
13 Ms. Kara Stauffer Philbin  
14 FERNELIUS ALVAREZ SIMON, PLLC  
15 Lyondell Basell Tower  
16 1221 McKinney Street  
17 Suite 3200  
18 Houston, Texas 77010  
19 Phone: (713) 654-1200

20 ALSO PRESENT:

21 Mr. Kevin Schaeffer, Videographer  
22 Ms. Jennifer Osteen  
23 Ms. Kamilla L. Stokes  
24 Ms. Ashley Palermo  
25 Ms. Brian M. Sears  
Mr. Daniel C. Neuhoff  
Ms. Heather Rhea  
Ms. Lori K. Erwin  
Ms. Glenda Adams  
Ms. Ariel Wiley  
Mr. Phillip Boyd  
Mr. Derek Kammerlacher  
Dr. Owen Murray  
Judge Keith P. Ellison  
Ms. Rebbecca Vogel**WRIGHT WATSON & ASSOCIATES**1250 South Capital of Texas Highway, Building 3, Suite 400 Austin, Texas 78746 (512) 474-4363  
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8 EXHIBITS

10 NO.	DESCRIPTION	PAGE
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12 2	Final Autopsy Report Bates Nos. CADDELL P0319 to 331	169
13 3	Administrative Directive AD-10.64 Dated August 9, 2006 Bates Nos. BAILEY 03054 to 55	178
14 4	Administrative Directive AD-10.64 Dated July 11, 2003 Bates Nos. BAILEY 031022 to 31	180
15 5	Heat Stress Policy BAILEY 03070 to 71	195
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21  
22  
23  
24  
25  
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1 Greer. I hereby order that.

2                   But we're not going to have a free range of  
3 discussion of her health.

4                   MR. EDWARDS: I've seen the document. I  
5 understand what you're saying, Your Honor.

6                   THE COURT: Can we proceed with the deposition  
7 now?

8                   MR. EDWARDS: Yes.

9                   THE COURT: Yes, ma'am. If you could make your  
10 way up here. Good morning.

11                  THE WITNESS: Good morning.

12                  THE COURT: And before take your seat, I'll  
13 administer the oath. If you could raise your right hand --

14                  Or do you want to do that? Would you prefer  
15 doing that?

16                  THE REPORTER: It doesn't matter. Whatever the  
17 Court pleases.

18                  (Witness sworn.)

19                  THE COURT: Try to make yourself comfortable.  
20 You may inquire.

21                  MR. EDWARDS: Thank you, Your Honor.

22                  LANNETTE LINTHICUM,  
23 having been first duly sworn, testified as follows:

24                  DIRECT EXAMINATION

25 BY MR. EDWARDS:

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Lannette Linthicum - 1/13/2016

1 Q. Would you kindly state your name for the record.

2 A. My name is Lannette Linthicum.

3 Q. And what is your profession?

4 A. I'm a physician by trade.

5 Q. And you work for the Texas Department of Criminal  
6 Justice?

7 A. Yes.

8 Q. And how long have you worked for the Department of  
9 Criminal JUSTICE?

10 A. I'm entering my 30th year.

11 Q. So if I go back in time, that would be -- you've  
12 practice medicine since 1985 or 1986?

13 A. I completed my postgraduate medical training in 1986.

14 Q. Okay. Where did you go to medical school?

15 A. I attended medical school at the University of  
16 Maryland in Baltimore, Maryland.

17 Q. Did you grow up on the East Coast?

18 A. Yes.

19 Q. Whereabouts?

20 A. Baltimore, Maryland.

21 Q. Following your graduation from medical school, what  
22 did you do for your residency?

23 A. I was part of the United States Public Health  
24 Service, the National Health Service Corps in particular. It's  
25 a branch of the United States Public Health Service, a civil

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Lannette Linthicum - 1/13/2016

1 Q. Okay. You are -- what you is job again at TDCJ?

2 A. Director of Health Services Division.

3 Q. And as you testify here in today in preparation, in  
4 part as a 30(b)(6) witness, about the dangers of heat and the  
5 training that your people get, you do not know the number --  
6 the temperature at which the heat and humidity matrix indicates  
7 potential danger due to heat?

8 MS. BURTON: She has to review the policy, Your  
9 Honor.

10 A. First of all --

11 Q. (BY MR. EDWARDS) She can say she doesn't know if she  
12 doesn't know.

13 A. I need clarification. What is 30(b)(6)?

14 THE COURT: That means -- the question posed to  
15 you as a 30(b)(6) mean the questions with your answers will  
16 bind the corporation or bind the agency or bind the department.

17 THE WITNESS: Okay. Let me explain a little bit  
18 about how we're organized --

19 Q. (BY MR. EDWARDS) Could you first answer my question?

20 A. Well, in order to answer it, I need to explain the  
21 organization. My position as director of Health Services has  
22 no responsibility for direct patient-care services that are  
23 provided at the TDCJ units. The medical staff on the units are  
24 not employees of the Texas Department of Criminal Justice.

25 They are employees of the University of Texas, Medical Branch,

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1 and they are employees of Texas Tech University Health Science  
2 Center or a subcontractor to the university. So all training  
3 and employee issues are the responsibilities of the university  
4 providers and not TDCJ Health Services.

5 My role in the Correctional Managed Healthcare  
6 program is primarily that of a contract monitor.

7 MR. EDWARDS: Your Honor, would you instruct  
8 Dr. Linthicum to please answer my question.

9 A. I'm trying to answer. You said my employees, and I'm  
10 trying to clarify they are not my employees. Unit staff, unit  
11 medical staff.

12 THE COURT: Okay. Well, let's try one more time  
13 the question, and then get her answer one more time.

14 MR. EDWARDS: Abby, would you please repeat the  
15 question.

16 THE COURT: It goes on for a ways.

17 (Requested portion read back.)

18 A. The issue I have with the question is the training  
19 your people get. Can you clarify, who are you talking about  
20 when you say "your people"?

21 Q. (BY MR. EDWARDS) No, ma'am.

22 MR. EDWARDS: Your Honor, would you instruct  
23 Dr. Linthicum to please answer my question.

24 THE COURT: Is there a benchmark at which heat  
25 is considered severe? It is 90 degrees? 100 degrees? Is

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Lannette Linthicum - 1/13/2016

STEPHEN McCOLLUM and SANDRA )  
McCOLLUM, individually, and )  
STEPHANIE KINGREY, )  
individually and independent )  
administrator of the Estate )  
of LARRY GENE McCOLLUM )

PLAINTIFFS ) CIVIL ACTION NO.  
v. ) 4:14-cv-3253  
 ) JURY DEMAND

LANNETTE LINTHICUM, JEFF )  
PRINGLE, RICHARD CLARK, )  
KAREN TATE, SANDREA SANDERS, )  
ROBERT FASON, the UNIVERSITY )  
OF TEXAS MEDICAL BRANCH and )  
the TEXAS DEPARTMENT OF )  
CRIMINAL JUSTICE )

## DEFENDANTS

KEITH COLE, JACKIE BRANNUM,  
RICHARD KING, DEAN ANTHONY  
MOJICA, RAY WILSON, FRED  
WALLACE, and MARVIN RAY  
YATES, individually and on  
behalf of those similarly  
situated.

CIVIL ACTION NO.

4:14-cv-3253

JURY DEMAND

Plaintiffs,

CIVIL ACTION NO.

4:14-cv-1698

V. )

LANNETTE LINTHICUM, in his official capacity, ROBERTO HERRERA, in his official capacity, and TEXAS DEPARTMENT OF CRIMINAL JUSTICE.

Defendants.)

Lannette Linthicum - 1/13/2016

REPORTER'S CERTIFICATION  
DEPOSITION OF LANNETTE LINTHICUM  
January 13, 2016  
VOLUME 1

I, ABIGAIL L. GUERRA, Certified Shorthand Reporter,  
in and for the State of Texas, hereby certify to the following:

That the witness, LANNETTE LINTHICUM, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

I further certify that pursuant to Federal Rules of Civil Procedure (30)(e)(1)(A) and (B) as well as Rule (30)(e)(2) that the signature of the deponent:

I further certify that pursuant to FRCP Rule 30(f)(1) that the signature of the deponent:

X was requested by the deponent or a party before the completion of the deposition and that signature is to be before any notary public and returned within 30 days from date of receipt of the transcript.

If returned, the attached Changes and Signature Page contains any changes and the reasons therefore:

Lannette Linthicum - 1/13/2016

1               \_\_\_\_\_ was not requested by the deponent or a party  
2 before the completion of the deposition.

3

4               That \$\_\_\_\_\_ is the deposition  
5 officer's charges for preparing the original deposition  
6 transcript and any copies of exhibits, charged to STEPHEN  
7 McCOLLUM and SANDRA McCOLLUM, individually, and STEPHANIE  
8 KINGREY, individually and independent administrator of the  
9 Estate of LARRY GENE McCOLLUM, individually and on behalf of  
10 those similarly situated;

11

12               That pursuant to information given to the deposition  
13 officer at the time said testimony was taken, the following  
14 includes all parties of record:

15 FOR THE PLAINTIFFS:

16               STEPHEN McCOLLUM and SANDRA McCOLLUM, individually, and  
17 STEPHANIE KINGREY, individually and independent administrator  
18 of the Estate of LARRY GENE McCOLLUM

19               Mr. Jeff Edwards  
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25               - and -

26               Mr. Michael Singley  
27               Mr. David James  
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Lannette Linthicum - 1/13/2016

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Lannette Linthicum - 1/13/2016

1  
2 I further certify that I am neither attorney, nor  
3 counsel for, nor related to, nor employed by any of the parties  
4 or attorneys to the action in which this deposition was taken;

5 Further, I am not a relative, nor an employee of any  
6 attorney of record in this cause, nor am I financially or  
7 otherwise interested in the outcome of the action.

8 Certified to by me this 28th day of January, 2016.

9  
10  
11   
12  
13

ABIGAIL GUERRA, Texas CSR 9059  
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